

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

2018 OCT 25 AM 10:36

UNITED STATES OF AMERICA,)
Petitioner,)
v.) CIVIL ACTION NO. EP-18-CV-0259
ONE 2017 DODGE NEON SEDAN,)
BEARING VEHICLE)
IDENTIFICATION NUMBER)
ZFAAADABP5H6E61044,)
Respondent.)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

FIRST AMENDED VERIFIED COMPLAINT FOR FORFEITURE

Petitioner the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules of Federal Rules of Civil Procedure, and respectfully states as follows:

I.
NATURE OF THE ACTION

1. This action is brought by the United States of America seeking forfeiture to the United States of the property described below:

- One 2017 Dodge Neon, Bearing Vehicle Identification Number (“VIN”) ZFAAADABP5H6E61044,

(the “Respondent Property”).

II.
STATUTORY BASIS FOR FORFEITURE

2. This is a civil forfeiture action *in rem* brought against the Respondent Property for violation of 21 U.S.C. §§ 846 & 841(a)(1) and (b)(1)(A)(viii).

3. The Respondent Property is forfeitable to the United States of America pursuant to

21 U.S.C. § 881(a), which subjects to civil forfeiture “All conveyance, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2)].”

III.
JURISDICTION AND VENUE

4. Pursuant to 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and pursuant to 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Property pursuant to 28 U.S.C. §§ 1355(b) and 1395(b). Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A), because the acts or omissions giving rise to the forfeiture occurred in this District, and pursuant to 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because the Respondent Property was seized in this District.

5. The Respondent Property was seized in the Western District of Texas, in a business (Andrea's Thrift Shop) located at 2004 Bassett Avenue, El Paso, Texas, on or about November 20, 2017. The Respondent Property has remained in the custody of US Marshals Service and/or deposited within the jurisdiction of the United States District Court, Western District of Texas, El Paso Division, and shall remain within the jurisdiction of the court pending litigation of this case.

IV.
FACTS IN SUPPORT OF FORFEITURE

6. On November 20, 2017, at approximately 10:30 a.m., members of the El Paso Division Strike Force 1 (SF1) established surveillance at the vicinity of 8484 Alameda #7, El Paso, Texas, 8925 Alameda Ave., El Paso, Texas, 2004 Bassett Dr., El Paso, Texas and 6700 Gateway Boulevard East, El Paso, Texas. This was in anticipation of an impending purchase of approximately 20 pounds of methamphetamine from an unknown male based out of Durango,

Mexico. Through Francisco Javier Amaro-Arratia a.k.a. TIO (“Amaro”). At approximately 11:00 a.m., Amaro spoke with the confidential source via telephone, and stated that he was at a warehouse located at 2004 Basset Dr., El Paso, Texas and that he was attempting to retrieve the methamphetamine from a hidden compartment of the laden vehicle.

7. At approximately 11:45 a.m., Amaro spoke to the confidential source via telephone and stated that he was on his way to the Chevron Gas Station located at 6700 Gateway Boulevard, and added that he was driving a red colored Ford Explorer.

8. At approximately 11:57 a.m., Special Agent Uriel I. Acosta (“Special Agent Acosta”) observed Amaro arrive at the aforementioned location and park his vehicle beside the confidential source vehicle. Subsequently, Special Agent Acosta and Special Agent Brendon Zartman (“Special Agent Zartman”) observed Amaro enter the confidential source’s vehicle and meet with the confidential source. Shortly thereafter, Special Agents Acosta and Zartman observed Amaro go back to his vehicle, retrieve a large voluminous trash bag and enter the confidential source’s vehicle again.

9. Special Agent Acosta and Special Agent Zartman listened to the confidential source and Amaro count the number of bundles inside the confidential source’s vehicle.

At approximately 12:15 p.m., the agents approached the confidential source’s vehicle and displayed their law enforcement insignias, and placed Amaro under arrest without incident.

10. On or about October 11, 2017, a grand jury sitting in the Western District of Texas, El Paso Division, returned a two-count Felony Indictment, EP-17-CR-02038-PRM charging Francisco Javier Amaro-Arratia with Conspiracy to Possess a Controlled Substance with Intent to Distribute (Count 1) and Possession with Intent to Distribute a Controlled Substance (Count 2), in violation of 21 U.S.C. §§ 846 & 841(a)(1) and (b)(1)(A)(viii).

11. On or about April 25, 2018, Francisco Javier Amaro-Arratia pled guilty, pursuant

to a written plea agreement to Count One of the Felony Indictment.

12. Bases upon Francisco Javier Amaro-Arratia's admissions at his Rule 11 proceeding, the Respondent Property was involved in the Conspiracy to Possess a Controlled Substance with Intent to Distribute offense.

13. The Respondent Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a), as property involved in violations of 21 U.S.C. §§ 846 & 841(a)(1) and (b)(1)(A)(vii).

V.
PRAAYER

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Property, that due notice pursuant to Rule G(4) be given to all interested parties to appear and show cause why forfeiture should not be decreed¹, that a warrant for an arrest *in rem* be ordered, that the Respondent Property be forfeited to the United States of America, that the Respondent Property be disposed of in accordance with the law and for any such further relief as this Honorable Court deems just and proper.

¹ Appendix A, which is being filed along with this complaint, will be sent to those known to the United States to have an alleged interest in the Respondent Properties.

Dated: October 25, 2018
El Paso, Texas

Respectfully submitted,

JOHN F. BASH
United States Attorney for the
Western District of Texas

By:


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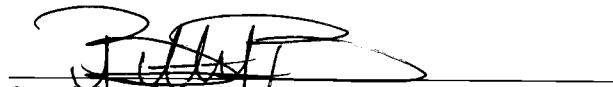
VERIFICATION

Special Agent, Elizabeth Borruel, declares and says that:

1. I am a Special Agent with the Drug Enforcement Administration assigned to the El Paso Field Office. I am the investigator responsible for the accuracy of the information provided in this litigation.
2. I have read the above Verified Complaint for Forfeiture and know the contents thereof based upon my personal participation in the investigation, my conversations with others, and my review of documents prepared by others. Based upon information and belief, the allegations contained in the Verified Complaint for Forfeiture are true and correct. Because the Verified Complaint is being submitted for the limited purpose of stating sufficiently detailed facts to support a reasonable belief that the government will be able to meet its burden of proof at trial, it does not contain every fact known by me or the United States. Where the actions, conversations, and statements of others are related therein, they are related in substance and in part, unless otherwise stated.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 19 day of October, 2018.



Special Agent Elizabeth Borruel
Drug Enforcement Administration